

REMARKS

In accordance with the foregoing, claims 11, 14 and 21 have been cancelled without prejudice or disclaimer and claims 1, 12, 16, 18, 19, 22 and 24 have been amended. No new matter is being presented. Therefore, claims 1, 8, 10, 12, 16, 18, 19, 22 and 24 are pending and reconsideration is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 1, 6, 7-14, 16, 18-19, 21-22, 24 and 25 are rejected under 35 U.S.C. §112, first paragraph. According to the Examiner, the phrase, "a predetermined pattern unrelated to user data is recorded in the coupling area of the zone...," in claims 1, 11 and 24 is problematic because the claims are inconsistent with the specification. Further, according to the Examiner, the phrase, "third predetermined pattern," in claim 16 is problematic for similar reasons. However, since the phrases in question have been removed from the claims or amended, this rejection is believed to be moot.

Claims 1 and 11 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. According to the Examiner, the phrases, "at least one coupling area to separate the zone from an adjacent zone," and, "to correct for a deficiency or an excess of the designated recording capacity of the zone," in claim 1 are problematic because the specification does not clearly provide support for the claimed subject matter. Further, according to the Examiner, the phrase, "each predetermined pattern being unrelated to the user data," in claim 11 is problematic for similar reasons. However, since these phrases have either been removed from the claims or amended, this rejection is believed to be moot. In particular, it is noted that the amendments of claim 1 finds support in the specification at, at least, paragraphs [0016] and [0017].

Claims 1, 8 and 10 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. According to the Examiner, the phrase, "a coupling area to separate the zone from an adjacent zone," is problematic because it is apparently unclear "how a 'coupling,' which links or joins, is separating." Here, although the applicant may be his own lexicographer, and the specification is clear as to the meaning of the term "coupling area," applicant notes that the term has been amended in the claims to "an area." Therefore, this rejection is believed to be overcome.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1, 8, 10-12, 14, 16, 18, 19, 21-22 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aoki (Japanese Patent Publication No. 2000-195060) in view of Hui (U.S. Patent 4,229,808). These rejections are overcome.

Regarding the rejections of claim 1, it is noted that claim 1 recites an optical disc for use with a recording/reproducing apparatus in which track grooves are formatted into a waved pattern in a radial direction of the disc, the disc being divided into a plurality of zones. Each zone comprises a plurality of sectors each of which includes a data area having a designated recording capacity in which user data is recorded, and an identification area in which zone address information for each zone is recorded based on a predetermined modulation rule. At least one area separates the zone from an adjacent zone. Tracks are secured in the area to be added to the data area of each of the zones.

With respect to the recitation of the "at least one area to separate the zone from an adjacent zone and in which tracks are secured to be added to the data area of each of the zones," it is noted that this recitation is supported by at least paragraphs [0016] and [0017] of the specification. It is further noted that neither the reference to Aoki nor the reference to Hui, which is not cited as providing a teaching for the recitation, discloses the claimed area.

In detail, with regard to Aoki, applicant notes that Aoki discloses a data area and an ID area in each zone m-1, m, and m+1. The data area appears to correspond to the claimed data areas, of the plurality of the sectors, having a designated recording capacity in which user data is recorded. The ID area of Aoki, then, appears to correspond to the claimed identification area, of the plurality of the sectors, in which zone address information for each zone is recorded based on a predetermined modulation rule.

Hence, the claimed "at least one area to separate the zone from an adjacent zone and in which tracks are secured to be added to the data area of each of the zones," is left without a corresponding feature in Aoki. Nevertheless, the Examiner relies on paragraph [0028]-[0030] to suggest that the ID area of Aoki accomplishes this.

Leaving aside the simple fact that the Examiner's position requires that the ID area of Aoki correspond to two separate and distinct features of the claimed invention (i.e., the claimed identification area of the plurality of the sectors and the claimed "area to separate the zone from an adjacent zone"), applicant respectfully submits that the section of Aoki relied upon by the Examiner does not teach what is being suggested it teaches.

That is, the section of Aoki teaches that the ID area of Aoki is set up such that zone address information for each zone is recorded in the ID part and data is recorded in the DATA part. As a result, the invention of Aoki enables one to provide the optical disk with a physical format that easily secures the mutual exchangeability with an optical disk specializing in reproduction. In addition, file management can be accomplished by zone unit and where a data file is large, file management can be facilitated. See Aoki, at paragraphs [0029] and [0030].

Here, applicant notes that the above-noted discussion reflects the disclosure of the relied upon section of Aoki and does not mention, at any point, a feature corresponding to the claimed tracks. Nor does this section describe any operation corresponding to the claimed securing of tracks within any additional area for the purpose of adding such tracks to the user data area, as in the claimed invention.

Thus, in consideration of the above-noted discussion, and the fact that the additional reference to Hui does not cure the defects of Aoki, applicant respectfully asserts that claim 1 is patentably distinguished from the combinations of the references and that, therefore, the rejection of claim 1 is overcome.

Regarding the rejection of claim 24, it is noted that claim 24 recites similar features as claim 1 and that, therefore, the rejection of claim 24 is overcome for similar reasons as set forth above.

Regarding the rejections of the remaining dependent claims, it is noted that these rejections are overcome for at least the reasons set forth above.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 5/21/07

By: 

Howard I. Levy
Registration No. 55,378

1400 Eye Street, NW
Suite 300
Washington, DC 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510